

TOWN OF TRURO
BOARD OF SELECTMEN
MEETING OF TUESDAY, JUNE 6, 2006

The Truro Board of Selectmen met for their weekly session on Tuesday, June 6, 2006 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Christopher R. Lucy, Curtis Hartman, Jan Worthington, Town Administrator Pamela Nolan, Administrative Secretary Julie DuPree, Martha Nagy, Carol Nickerson, Tim Silva, Paul Morris, Cheryl Grenier, Gladys Bateman, Anthony Joseph, Bill and Phyllis Evaul, Atty. Jay Murphy, Steve Desroche of the Cape Codder, and Pru Sowers of the Banner.

Mr. Gaechter convened the meeting at 6:00 p.m.

Minutes: Mr. Palmer moved to approve the minutes of the regular and Executive Sessions of May 23, 2006, as presented, and to hold the Executive Session minutes in abeyance. Mr. Lucy seconded it. **Vote: 5-0, unanimous.**

Public Comment: Ms. Nickerson asked for an update on the bells and was told there would be a report later this evening.

Policy Memorandum #30: Senior Municipal Tax Program: Ms. Grenier outlined the changes needed. To comply with the State, it must be limited to homeowners only, so "spouse of" must be deleted. They would like to add two more positions to the program, increasing it to twelve. They would like to increase the hourly rate of \$6.75 to the minimum wage rate of \$7.50 after it has been passed by the House. **Mr. Gaechter moved to reauthorize the program, increase authorization for placements from 10 to 12, and authorize prior to legislative change that if it is to change, it will be automatically the recompense. Mr. Hartman seconded it.** Under discussion, Mr. Gaechter suggested a change on page one from "made" to "authorize". He asked Ms. Grenier if she would draft a letter to the legislature regarding changing the requirement of homeowner only. She said she would. **Vote: 5-0, unanimous.**

Public Hearing: Pamet Harbor fees and Rules and Regulations: Mr. Silva explained that the PHC voted to recommend increasing the transient mooring fee from \$20.00 to \$30.00. It had been previously decided that all the other fees would be frozen for three years; this is the second year of that freeze. The ramp fee is already as high as the State will allow. Mr. Silva explained that they feel it is important to make it a Truro-friendly harbor, and so they also recommend a change to the rules and regulations, changing the clause allowing a mooring transfer from "to spouse, son or daughter" to "to immediate family member, which includes spouse, son, daughter, father, mother, brother or sister". Mr. Gaechter asked if there were any public comments. Harbor Master Anthony Joseph told the Board that he supports Mr. Silva; he agrees with the PHC that it is important to keep traditional use in the Pamet Harbor. **Mr. Lucy moved to raise the existing transient mooring fee to \$30.00 and to change the language from "son and daughter" to "immediate family member, which includes spouse, son, daughter, father, mother, brother, sister". Ms. Worthington seconded it. Vote: 5-0, unanimous.**

Requests for One-day liquor licenses: Ms. DuPree informed the Board that she has received two requests for one-day liquor licenses. The Pamet Harbor Club, Inc. has requested four one-

day licenses for June 17, July 2, July 14, and July 22, for the hours of 1:00 p.m. through 10:00 p.m. The other request is from the Truro Historical Society and Highland House Museum for wine to be served on June 10th from 4:30 p.m. through 6:30 p.m. **Mr. Palmer moved to approve the licenses. Mr. Gaechter seconded it. Vote: 5-0, unanimous.**

Condo Conversion: The Moorlands Inn: Attorney Murphy explained that the parking plan has been approved by the Building Commissioner, and the septic has approval from the BOH. He asked the BOS to approve the seasonal covenant. He noted that two of the cottages are now occupied year-round, and will have to be vacated in the winter months when the conversion takes place. In a case like this, it results in a loss to the town of two year-round units. He added that the application is in conformance with the zoning requirements. Mr. Gaechter told him a question has arisen regarding unit four, the designated year-round unit (manager's quarters). It contains six bedrooms and they could be used as bed and breakfast units. Mr. Evaul told him that although he has a year-round license, there is no business in the winter. Mr. Gaechter went on to say the concern is that there is a potential Zoning Bylaw and Condo Bylaw conflict. Town Counsel is looking into it. He proposes they delay action for two weeks for Town Counsel to look into the two bylaws and see how to get around that. If Unit 4 is restricted by Covenant, one could not rent out the other bedrooms if there were business in the winter months. Attorney Murphy said that he doesn't see any restrictions to Lodging Houses--other things are named, but not Lodging Houses. He asked that he be provided a copy of Town Counsel's opinion. Mr. Palmer said he feels this application is within the intention of the Bylaw; he is willing to wait, but intends to vote to approve it.

Fuel Oil Bid: Ms. Brazil informed the BOS that she received a letter from Cape Cod Oil agreeing to supply the Town with fuel oil at \$2.292 per gallon for FY07. She asked that the BOS authorize the Town Administrator to award the fuel oil bid to Cape Cod Oil and to inform the County that the Town was not accepting their bid award. **Mr. Gaechter so moved. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

Membership of the Energy Committee: Mr. Gaechter reported that the Energy Committee has asked the BOS to change their membership. The current membership is six members and they are having a problem obtain quorums. He suggested changing the DPW Director to an ex officio member. **Mr. Gaechter moved to change the membership of the Energy Committee to comprise of five appointed citizens and the DPW Director as an ex officio member. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

Water line hookup applications for 23 and 57 Shore Road. Mr. Morris explained that the Fire Chief has been working on increasing the amount of hydrants so that we have hydrants within 500' of each other. **Mr. Palmer moved to approve and authorize the Chair to sign. Mr. Lucy seconded it. Vote: 5-0, unanimous.**

Cost of N. Union Field/Moses Way: Mr. Morris outlined the six steps he would need to take to upgrade the road if it were taken over by the town. If the town can prove ownership, Chapter 90 funds can be used to pay the cost of \$79k-89k. The yearly cost of maintenance would vary from

year to year.

Bells/Chimes: Ms. Nolan said she and Mr. Morris agree that it is time to move to the next step. Mr. Morris explained that one of the offers for help has fallen through. The Verdin Company is interested in the project and sent him a list of things to do. He has to send them pictures of what is up there. A first step could be to turn the louvers around and put plywood up behind them. Mr. Gaechter said we don't want to make them so they can't be heard at all. Ms. Nolan said there are three firms we could hire at approximately \$10k; there is money in the bell fund. Mr. Gaechter said he is not sure we want to come down to the State level. Ms. Nolan noted that town Counsel has pointed out that this is a state regulation, not a State law. Unofficially, DEP has said it does not want to touch this again. There is one case in the State where it was taken to court and the town lost. Mr. Morris said that it would be inexpensive to reverse the louvers, bring in plywood and seal it up with plywood. Mr. Gaechter said he recommends reversing the louvers and putting in sound deadening. Mr. Palmer added that Mr. Morris should contact the Verdin Company as well.

Duarte Park update: Mr. Morris updated the Board. Benches and a handicapped picnic table have been installed. Loam has been placed and it is ready to seed. Mr. Irwin has provided a list of plantings. He spoke to Nick Brown's group and they are providing the money to put in a sprinkler system and a well; they will also pay for the plants. The paperwork for the \$2,500 grant is complete and it should be on its way. Mr. Gaechter suggested extending the handicap path all the way to the bench. The Board agreed that they should meet soon with Mr. Brown to discuss the plan, parking spaces and so forth.

Herring River restoration project: Gordon Parker, Chair of the Herring River Technical Committee has invited Truro to join Wellfleet in this salt marsh project. Mr. Gaechter directed Ms. Nolan to contact him and check his Committee's availability for a future agenda. He said they should provide input as best as they can, and recommended that they have a liaison to this Committee; **he moved to appoint Mr. Palmer as the liaison. Mr. Lucy seconded it. Vote: 5-0, unanimous.**

No Place for Hate Community: Ms. Nolan has received the material on this from the Anti-Defamation League (ADL). She warned them that this required a lot of work, and they would need someone with a lot of time to give to this. Three events must be held, and once we get this designation, we must keep it active--every year. A member of the ADL will come and speak to the BOS about the requirements. Mr. Gaechter asked if she was referring to a citizen when she said they need someone. She said there would need to be a committee, but that there also needs to be a key person on that committee. Mr. Gaechter directed her to invite the ADL to come so they can see the scope of this. He also said she should talk to someone in Provincetown to see the scope of what is involved. Mr. Hartman suggested that someone from the Police Department, the School and the Library should also be present since it would require a great deal of work on their part.

Delegates to the CCNS Advisory Board: The Board received a request from the NPS that they

nominate four people to serve as Truro's delegate to the CC Seashore Advisory Commission. Mr. Gaechter noted that in the enabling legislation, it does not require four nominees and he suggested sending the names of our delegates whose terms have just expired. Mr. Hartman asked about their attendance record. Mr. Gaechter said that is good; at each meeting he had attended, a delegate from Truro was present. He understands that when Mr. Francis is away in the winter, Mr. Irwin attends in his place.

CAC Intermunicipal Agreement: Ms. Nolan informed the Board that Town Counsel has vetted the agreement. She requested that they authorize her to sign the agreement. **Mr. Gaechter moved to approve the agreement and authorize the Town Administrator to sign it. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Curb Cut, Policy #28: The Board reviewed the revision provided by Mr. Lucy. Mr. Gaechter recommended a few word changes, suggested that "the Chief of Police" should be added in a few places, and the consensus of the Board was to place Mr. Lucy's new section in the introduction portion rather than in #3 Action. They discussed Exhibit 2 at great length. Mr. Gaechter said that in many instances the word "driveway" should be replaced with "curb cut". The Board agreed to change the limit to "not more than one curb cut for any one property" because they could grant a variance for a second cut at their discretion, in compliance with this policy, and it would allow them to address them on a case by case basis. Mr. Gaechter directed Ms. DuPree to make these new revisions in bold type for the next meeting.

Film Agreement: Ms. Nolan was approached by someone representing JC Penny to film a commercial in Truro. If the Board has no objection, she will proceed. Ms. DuPree informed the BOS that the application/filming agreement had already been faxed to him. The fee schedule was discussed. No action needs to be taken until the application is returned.

Town Administrator's Report: (action items)

- Received information from the Provincetown Water Department regarding replacement of the Water Superintendent with an engineering firm. The BOS noted that Provincetown is to consult with Truro per the IMA. Mr. Gaechter directed Ms. Nolan to remind them of this nicely in a letter.
- Provided the BOS with information from the Ethics Commission. Ms. Worthington informed the BOS that she has filled out her 20c form, in which she discloses her financial interest. Since the BOS has jurisdiction over the police department for which she works, the BOS must vote to exempt her from the provision of MGL Section 20, as a Special Municipal Employee. **Mr. Gaechter moved to approve her exemption and authorize the Chair to sign her form. Mr. Lucy seconded it. Vote: 5-0, unanimous.**
- Provided information on Chapter 90 projects. Mr. Gaechter asked if the TIP project applications were sent in. Ms. Nolan will check on that.

Selectmen/Liaison Reports: (action items)

Hartman: -Reported that the LCPC would like to be dissolved. They request that the BOS advance the goals of the LCP as part of their goals. Mr. Gaechter noted that it already is. **Mr.**

Hartman moved to dissolve the LCPC with thanks for a job well done. Mr. Gaechter seconded it. Vote: 5-0, unanimous.

Lucy: -Reported that the PHC plans to discuss another addition to their regulations at their next meeting. This will specify a date by which a mooring holder must put his mooring in. If they decide to do this, it will need to be placed on an agenda.

- Asked when the web access for citizens to comment on the naming of the park by the Pamet River would be up. Ms. Nolan said soon.

- Distributed his response to Ms. Snow's comments at a recent BOS meeting. It will be available to the public and is to be distributed to the Planning Board.

Gaechter: -Reported that the ConsCom would like a joint session with the BOS to discuss three topics. Ms. Nolan was directed to tell Town Counsel that we are ready to proceed with changing the oversight of conservation properties owned by the town from the BOS to the ConsCom.

Worthington: -Revisited the discussion regarding doing something to honor Lloyd Rose. She suggested that the BOS may need a policy on how to honor those who have served the town for so long and so well. She is disappointed that this has to go out to a public forum, noting that recently a road was named for someone who was leaving as a member of the BOS. She would like the BOS to support her in finding a way to honor someone who has lived here all his life and served this town. Mr. Gaechter noted that he would not have voted to so name the road, and added that it is not premature to look at an on-going policy. Ms. Worthington asked if they should wait for response. He answered her that he thought they should learn from this and put on their agenda in a month what sort of procedure to follow.

Next week's agenda: Evalul condo conversion, if Town Counsel's opinion is in. Interviews for vacancies on BOFE, Planning Board (jointly with the Planning Board), review revision to policy #28.

At 8:08 p.m. Mr. Gaechter moved to convene in Executive Session under the provisions of MGL Chapter 39, Section 23B to discuss a matter of litigation and to not reconvene in Open Session. Roll Call Vote: Hartman, aye; Palmer, aye; Gaechter, aye; Lucy, aye; Worthington, aye. 5-0, unanimous.

Alfred Gaechter, Chairman

Gary Palmer, Vice-Chairman

Christopher R. Lucy, Clerk

Curtis Hartman

Janet W. Worthington
Board of Selectmen
Town of Truro